

NEM:MND
F. #2024R00518

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

MICHAEL ROSENDARY,

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

Ryan Giuffre, being duly sworn, deposes and states that he is a Task Force Officer with the Bureau of Alcohol, Tobacco and Firearms (“ATF”), and a Task Force Officer with the “NYPD-ATF Arson and Explosive Task Force,” duly appointed according to law and acting as such.

On or about May 17, 2024, within the Eastern District of New York and elsewhere, the defendant MICHAEL ROSENDARY did knowingly, intentionally and maliciously damage, and attempt to damage and destroy, by means of fire and an explosive, a building in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance, to wit: a New York City Housing Authority apartment building in Brooklyn, New York.

(Title 18, United States Code, Section 844(f))

TO BE FILED UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF APPLICATION FOR
ARREST WARRANT

(18 U.S.C. § 844(f))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Detective with the NYPD and a Task Force Officer with the NYPD-ATF Joint Arson and Explosive Task Force. I have been a member of the NYPD for 14 years and I have been a member of the NYPD-ATF Joint Arson and Explosive Task Force for approximately three years. I have been involved in the investigation of numerous arson offenses. I am familiar with the facts and circumstances set forth below from my participation in this investigation; my review of documents, records and reports; and reports from other law enforcement and investigatory officers involved in the investigation. Unless specifically indicated, all conversations and statements described in this affidavit are related in sum and substance and in part only.

2. On May 17, 2024 at approximately 12:18 a.m., NYPD and New York City Fire Department ("FDNY") officers responded to a New York City Housing Authority apartment building in Brooklyn (the "Building") following a report that an apartment on the fourteenth floor (the "Apartment") of the Building was on fire.² The Building is owned and operated by the New York City Housing Authority, which receives Federal financial assistance.

3. Upon arrival, responders found a fire spreading in the hallway on the fourteenth floor of the Building, and ultimately extinguished it. FDNY examiners determined the fire had originated in front of the door to the Apartment. An FDNY canine, specifically trained to identify accelerants, exhibited a positive alert for the presence of accelerant in the

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

² The apartment number and the address of the Building is known to your affiant.

hallway.

4. The individual who lived in the Apartment (the “Victim”), whose identity is known to the affiant, reported that she saw a glow underneath her front door after midnight and instructed her daughter to call 911. The Victim additionally reported that earlier that day she had received aggressive text messages from MICHAEL ROSENDARY, who is the father of her children. The Victim indicated ROSENDARY drove a gray Nissan.

5. Figure 1 is a photograph of the front door of the Victim’s Apartment and Figure 2 is a photograph of the hallway of the fourteenth floor, both taken after the fire was extinguished.



Figure 1

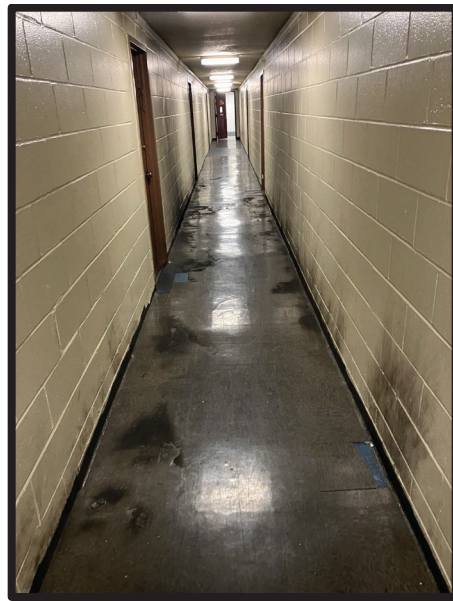


Figure 2

6. Security camera footage obtained from a gas station located at 2978 Cropsey Avenue (approximately a six-minute drive from the Building) captured a man at approximately 12:00 a.m. wearing jeans, a grey hooded sweatshirt, a dark shirt and black and white horizontally striped shoes with a large orange emblem on the outside of the shoes arriving in a gray Nissan. The man parked his vehicle near the gas pump, got out of the car, and appeared

to make a purchase for gas at the station window. Figures 3-4 are screenshots taken from the security camera footage at 2978 Cropsey Avenue.



Figure 3



Figure 4

7. The Victim reviewed the security camera footage taken from the gas station and identified the man in the footage as ROSENDARY. The Victim signed a screenshot of the security camera footage and indicated she recognized ROSENDARY because she has known him for over 20 years.

8. The Victim also reviewed a NYPD booking photo of ROSENDARY and confirmed she believed it was the same person as shown in the security camera footage at the gas station. Figure 5 is the NYPD booking photo of ROSENDARY.



Figure 5

9. Security camera footage from inside the Building captured a man, who appears to be ROSENDARY, enter the Building at approximately 12:13 a.m., holding what appears to be a water bottle with a yellowish liquid inside of it. I know from my training and experience, that this liquid is consistent in appearance with gasoline. The man is wearing the same outfit as ROSENDARY was seen wearing at the gas station minutes earlier. Specifically, he is wearing jeans, a grey hooded sweatshirt, a dark shirt and black and white horizontally striped shoes with a large orange emblem on the outsides of the shoes. Upon entering the Building at 12:13 a.m., security camera footage showed ROSENDARY get into the elevator. Security camera footage then showed ROSENDARY coming out of the staircase and exiting the Building at approximately 12:16 a.m.—two minutes prior to the reports of fire in the Building. At this time, ROSENDARY was no longer carrying the water bottle containing the yellowing liquid. Figure 5 is an image of ROSENDARY waiting for the elevator, while Figure 6 depicts him leaving the building.



Figure 6

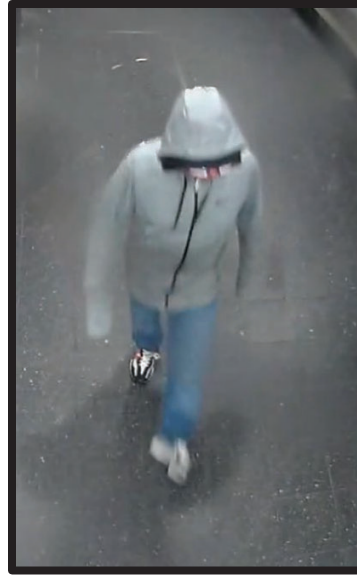


Figure 7

10. Based on my training and experience, and my participation in this investigation, including my review of the evidence described here, there is probable cause to believe that MICHAEL ROSENDARY set the Apartment door on fire.

WHEREFORE, your deponent respectfully requests that that an arrest warrant for the defendant MICHAEL ROSENDARY, be issued so that he may be dealt with according to law. I further request that the Court order that this Complaint and the requested arrest warrant remain under seal under the defendant is arrested in order to prevent the defendant's flight.

/s/ Ryan Giuffre

Ryan Giuffre

Task Force Officer, NYPD-ATF Joint Arson and
Explosive Task Force

Sworn to before me this
19 day of June, 2024

Cheryl Pollak

THE HONORABLE CHERYL L. POLLAK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK